



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable M. O. Flowers
Secretary of State
Austin, Texas

Dear Mr. Flowers:

Opinion No. 0-2918

Re: Whether or not a minor nineteen years of age, whose legal disabilities have been removed, is eligible for appointment as Notary Public.

This will acknowledge receipt of your letter of November 29, 1940, propounding for a legal opinion the following question:

"This office has received an application by a minor, 19 years of age, for appointment as notary public under Article 5949.

"Article 5949 as amended, Acts 1939, page 498, provides: 'To be eligible for appointment as notary public a person shall be at least twenty-one (21) years of age--'.

"Article 5923 provides: 'If the Court grants such petition the decree shall specifically adjudge the minor of full age for all legal purposes, except as to the right to vote.'

"Please advise this office if we are authorized to appoint a minor with legal disabilities removed to the position of notary public under Article 5949."

Senate Bill No. 262 (Reg. Ses. 46th Leg., Gen Laws, Vol. 1, p. 498) amended Article 5949 of the Revised Civil Statutes to read as follows:

"The Secretary of State of the State of Texas shall appoint a convenient number of notaries public for each county. Notaries public may be appointed at any time, but the terms of all notaries public shall end on June 1st of each odd-numbered year. To be eligible for appointment as notary public, the person shall be at least twenty-one (21) years of age and a resident of the county for which he is appointed."

This amendment was in pursuance of the constitutional amendment recently adopted, transferring the appointive power from the Governor to the Secretary of State. Prior to the amendment the statute prescribed no age qualifications for notaries public.

Article 5923 Revised Civil Statutes, regulating the matter of removal of legal disabilities of minors, provides:

"If the court grants such petition, the decree shall specifically adjudge the minor of full age for all legal purposes, except as to the right to vote."

The voting privilege was excepted as of course because the Constitution itself definitely fixes the right of suffrage.

Amended Article 5949, being the latest legislative act upon the subject, declares that to be eligible for appointment as notary public a person shall be at least twenty-one years of age. This has the legal effect to make a second exception to Article 5923, from which it follows that your question should be answered in the negative.

Our construction has the effect to harmonize all of the existing statutes, giving to each its proper place

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and attributing to each a fair and reasonable meaning,
without conflict whatsoever.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Ocie Speer
Ocie Speer
Assistant

OS-MR

APPROVED DEC 2, 1940

Gerrald B. Mann

ATTORNEY GENERAL OF TEXAS

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